

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Philip P. Carvey

Application No. 09/904,009

Filed: July 12, 2001

Confirmation No.: 2966

For: SWITCHED INTERCONNECTION NETWORK WITH INCREASED
BANDWIDTH AND PORT COUNT

The owner, Avici Systems, Inc. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on copending Application Number 09/904,313, filed on July 12, 2001) of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney or agent of record.

8/4/2005

Date

08/09/2005 FMETEK11 00000061 09904009

02 FC:1814

130.00 OP

Lubashev

Lyudmila Lubashev

Registration No. 55,408

Telephone: (978) 341-0036

Facsimile: (978) 341-0136]